

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

JEREMY SANCHEZ,

Plaintiff,

vs.

Civ. No. 12-1122 KG/WPL

MICHAEL JIMENEZ, Individually and in his official capacity as
The Administrator of the Grant County Detention Center,
JON SAARI, Individually and in his official capacity as Grant County Manager
and as supervisor of Michael Jimenez,
THE BOARD OF COUNTY COMMISSIONERS
OF GRANT COUNTY, NEW MEXICO in its official
Capacity and as the supervisor of Jon Saari and Michael Jimenez,

And

THE AMERICAN FEDERATION OF STATE, COUNTY
AND MUNICIPAL EMPLOYEES LOCAL 2516,

And

THE AMERICAN FEDERATION OF STATE, COUNTY
AND MUNICIPAL EMPLOYEES COUNCIL #18,

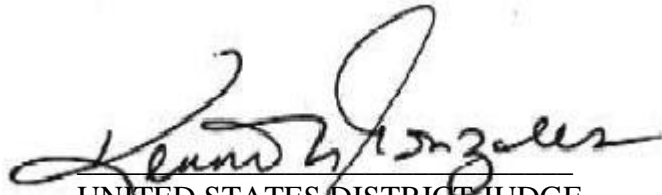
Defendants.

ORDER

This matter comes before the Court upon Defendants' Motion to Dismiss Plaintiff's Complaint and for Qualified Immunity and Memorandum of Law in Support Thereof (Motion to Dismiss), filed on March 23, 2013. (Doc. 21). Plaintiff filed a response on April 5, 2013, and Defendants Michael Jimenez, Jon Saari, and the Board of County Commissioners of Grant County, New Mexico (collectively, the County Defendants) filed a reply on April 20, 2013. (Docs. 24 and 26). Plaintiff subsequently filed a First Amended Complaint on July 17, 2013. (Doc. 30). Then, on August 27, 2013, County Defendants filed Defendants' Motion for Summary Judgment which seeks summary judgment on all of the claims which Plaintiff raised

against them in the First Amended Complaint. (Doc. 44). In light of the First Amended Complaint and Defendants' Motion for Summary Judgment which addresses the claims in the First Amended Complaint, the Court determines that the First Amended Complaint makes the Motion to Dismiss moot. *See, e.g., Richardson v. Casual Male Retail Grp., Inc.*, 2011 WL 1811216 at *1 (W.D.N.C.) ("the filing of Plaintiff's amended complaint renders the defendants' pending motion to dismiss as moot.").

IT IS, THEREFORE, ORDERED that Defendants' Motion to Dismiss Plaintiff's Complaint and for Qualified Immunity and Memorandum of Law in Support Thereof (Doc. 21) is denied a moot.



UNITED STATES DISTRICT JUDGE